

ARKANSAS SUPREME COURT

No. CR 06-692

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered

January 25, 2007

GARY STEVEN CRAWFORD
Appellant

PRO SE APPEAL FROM THE CIRCUIT
COURT OF JACKSON COUNTY, CR
2003-91, HON. HAROLD S. ERWIN,
JUDGE

v.

STATE OF ARKANSAS
Appellee

REVERSED AND REMANDED.

PER CURIAM

Appellant Gary Steven Crawford was found guilty by a jury of rape and kidnapping and sentenced to an aggregate term of 336 months' imprisonment. The Arkansas Court of Appeals affirmed. *Crawford v. State*, CACR 04-1397 (Ark. App. Sept. 21, 2005). The court's mandate was issued on October 12, 2005.

On December 1, 2005, appellant filed in the trial court a *pro se* petition for postconviction relief under Ark. R. Crim. P. 37.1. The trial court dismissed the petition as untimely, and appellant has lodged an appeal from the order in this court. The appellee concedes that the petition was in fact timely filed.

Arkansas Rule of Criminal Procedure 37.2(c) requires that the petition for postconviction relief must be filed within sixty days of the date the mandate of the appellate court was issued. Appellant filed his petition fifty days after the mandate was issued in his case. As the petition was timely filed, it should have been considered on its merits. Accordingly, the order of the trial court

is reversed and the matter is remanded.

Reversed and remanded.